

DATE 8/27/07 APPLICATION NUMBER 101065254
DOC CODE 22761. P10W DOC DATE 09/06/07

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OFFICE OF PETITIONS

In re Application of :
Guenther, et al. : LETTER REGARDING PATENT
Application No. 10/065,254 : TERM ADJUSTMENT
Filed: July 12, 2002 :
Atty. Dkt. No: 12406-102001/ :
P2002,0611 :

This is a decision on the "LETTER REGARDING PATENT TERM ADJUSTMENT" filed February 5, 2007. The Office thanks applicants for their good faith and candor in bringing this to our attention.

The Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application, mailed June 4, 2007, indicated that the PTA to date is 34 days. In the letter filed February 5, 2007, applicants requested recalculation of the adjustment.

The correct Patent Term Adjustment ("PTA") at the time of the allowance is 11 days.

As reflected in the Determination of Patent Term Adjustment mailed June 4, 2007, an adjustment of 57 days can be attributed to the Office in accordance with 37 CFR 1.702(a)(2) in connection with the non-final Office action mailed April 6, 2005. A further adjustment of 72 days can be attributed to the Office in accordance with 37 CFR 1.702(a)(2) in connection with the non-final Office action mailed June 5, 2006.

As further reflected in the Determination of Patent Term Adjustment- mailed June 4, 2007, the adjustment totaling 129 days is properly reduced 59 days in accordance with 37 CFR 1.704(b) in connection with the reply to the Notice of Missing Parts filed March 10, 2003. The adjustment is further properly reduced 33 days in accordance with 37 CFR 1.704(b) in connection with the reply filed August 8, 2005. The adjustment is further properly reduced three days in accordance with 37 CFR 1.704(b) in connection with the RCE submitted February 20, 2007.

The Office neglected to reduce the adjustment 23 days in accordance with 37 CFR 1.704(c)(8) in connection with the submission dated October 8, 2004. The reduction began September 16, 2004, the date after the date that an initial reply was filed, and ended October 8, 2004, the date the supplemental reply was filed.

Accordingly, at the time of allowance, the application is entitled to an adjustment of 11 days.

As applicants are advising us of a potential error in providing too much patent term adjustment in this application, no fee is due in connection with this matter.

The patent term adjustment indicated in the patent will include any additional patent term accrued pursuant to §§ 1.702(a)(4) and 1.702(b).

The application is being forwarded to Office of Patent Publications for issuance of a patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.


Kerry Fries

Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Copy of Adjustment PAIR Calculation

Day : Wednesday

PALM INTRANET

Date: 9/5/2007

Time: 15:22:59

PTA Calculations for Application: 10/065254

Application Filing Date:	09/30/2002	PTO Delay (PTO):	129
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	95
Post-Issue Petitions:	0	Total PTA (days):	11
PTO Delay Adjustment:	-23		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
107	09/05/2007	ADJUSTMENT OF PTA CALCULATION BY PTO		23	
99	06/04/2007	MAIL NOTICE OF ALLOWANCE			
98	05/30/2007	ISSUE REVISION COMPLETED			
97	05/30/2007	DOCUMENT VERIFICATION			
96	05/30/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
95	05/30/2007	CASE DOCKETED TO EXAMINER IN GAU			
94	05/29/2007	NOTICE OF ALLOWABILITY			
93	05/18/2007	DATE FORWARDED TO EXAMINER			
92	02/20/2007	REQUEST FOR CONTINUED EXAMINATION (RCE)		3	88
91	05/18/2007	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
90	02/20/2007	WORKFLOW - REQUEST FOR RCE - BEGIN			
89	11/21/2006	EXPORT TO INITIAL DATA CAPTURE			
88	11/17/2006	MAIL NOTICE OF ALLOWANCE			
87	11/14/2006	ISSUE REVISION COMPLETED			
86	11/14/2006	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
85	11/13/2006	NOTICE OF ALLOWABILITY			
84	11/08/2006	DATE FORWARDED TO EXAMINER			
83	10/30/2006	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
82	11/08/2006	DATE FORWARDED TO EXAMINER			
81	10/30/2006	REQUEST FOR CONTINUED EXAMINATION (RCE)			
80	11/08/2006	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			

79	10/30/2006	WORKFLOW - REQUEST FOR RCE - BEGIN			
78	08/29/2006	MAIL EX PARTE QUAYLE ACTION (PTOL - 326)			
77	08/23/2006	EX PARTE QUAYLE ACTION			
76	07/24/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
75	08/19/2006	DATE FORWARDED TO EXAMINER			
74	08/18/2006	RESPONSE AFTER NON-FINAL ACTION			
73	07/24/2006	REFERENCE CAPTURE ON IDS			
72.7	07/24/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
72	07/24/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
71	06/30/2006	CORRESPONDENCE ADDRESS CHANGE			
70	06/30/2006	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
69	06/05/2006	MAIL NON-FINAL REJECTION	72		65
68	05/30/2006	NON-FINAL REJECTION			
67	11/25/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
66	05/24/2006	DATE FORWARDED TO EXAMINER			
65	11/25/2005	REQUEST FOR CONTINUED EXAMINATION (RCE)			
64	05/24/2006	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
63	11/25/2005	REFERENCE CAPTURE ON IDS			
62.7	11/25/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
62	11/25/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
61	11/25/2005	WORKFLOW - REQUEST FOR RCE - BEGIN			
60	09/05/2005	EXPORT TO INITIAL DATA CAPTURE			
59	08/30/2005	MAIL NOTICE OF ALLOWANCE			
58	08/26/2005	ISSUE REVISION COMPLETED			
57	08/26/2005	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
56	08/26/2005	NOTICE OF ALLOWABILITY			
55	08/12/2005	DATE FORWARDED TO EXAMINER			
54	08/08/2005	RESPONSE AFTER NON-FINAL ACTION		33	50
53	08/08/2005	REQUEST FOR EXTENSION OF TIME - GRANTED			

52	06/15/2005	REFERENCE CAPTURE ON IDS			
51.7	06/15/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
51	06/15/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
50	04/06/2005	MAIL NON-FINAL REJECTION	57		47
49	04/04/2005	NON-FINAL REJECTION			
48	04/04/2005	DATE FORWARDED TO EXAMINER			
47	10/08/2004	REQUEST FOR CONTINUED EXAMINATION (RCE)			
46	04/04/2005	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
45.7	10/08/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
45	10/08/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
44	08/10/2004	WORKFLOW - REQUEST FOR RCE - BEGIN			
43	10/08/2004	RECORD PETITION DECISION OF GRANTED TO WITHDRAW FROM ISSUE - WITH ASSIGNED PATENT NO.			
42	10/08/2004	WITHDRAWAL PATENT CASE FROM ISSUE			
41	10/08/2004	PETITION ENTERED			
40	09/30/2004	ISSUE NOTIFICATION MAILED			
39	10/19/2004	PATENT ISSUE DATE USED IN PTA CALCULATION			
38	09/24/2004	RECEIPT INTO PUBS			
37	09/23/2004	DISPATCH TO FDC			
36	09/23/2004	APPLICATION IS CONSIDERED READY FOR ISSUE			
35	09/15/2004	ISSUE FEE PAYMENT VERIFIED			
34	09/15/2004	ISSUE FEE PAYMENT RECEIVED			
33	08/27/2004	RECEIPT INTO PUBS			
32	07/26/2004	RECEIPT INTO PUBS			
31	07/22/2004	WORKFLOW - FILE SENT TO CONTRACTOR			
30	07/06/2004	MAIL NOTICE OF ALLOWANCE			
29	06/29/2004	ISSUE REVISION COMPLETED			
28	06/29/2004	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
27	06/29/2004	CASE DOCKETED TO EXAMINER IN GAU			
26	06/28/2004	NOTICE OF ALLOWABILITY			

24	06/18/2004	DATE FORWARDED TO EXAMINER			
23	06/08/2004	RESPONSE AFTER NON-FINAL ACTION			
22	06/08/2004	WORKFLOW INCOMING AMENDMENT IFW			
21	03/08/2004	MAIL NON-FINAL REJECTION			
20	03/01/2004	NON-FINAL REJECTION			
19	11/03/2003	OATH OR DECLARATION FILED (INCLUDING SUPPLEMENTAL)			
18	11/03/2003	MISCELLANEOUS INCOMING LETTER			
17	01/14/2004	IFW AMENDED CASE PROCESSING COMPLETE			
16	01/13/2004	DATE FORWARDED TO EXAMINER			
15	12/16/2003	RESPONSE TO ELECTION / RESTRICTION FILED			
14.7	04/09/2003	ELECTRONIC INFORMATION DISCLOSURE STATEMENT			
14	04/09/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
13	11/24/2003	MAIL RESTRICTION REQUIREMENT			
12	11/21/2003	REQUIREMENT FOR RESTRICTION / ELECTION			
11	07/22/2003	CASE DOCKETED TO EXAMINER IN GAU			
9.7	12/04/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
9	12/04/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
8	05/20/2003	APPLICATION DISPATCHED FROM OIPE			
7	05/20/2003	APPLICATION IS NOW COMPLETE			
6	03/10/2003	ADDITIONAL APPLICATION FILING FEES		59	4
5	03/10/2003	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
4	10/10/2002	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
3	10/05/2002	IFW SCAN & PACR AUTO SECURITY REVIEW			
2	09/30/2002	ELECTRONIC FILING OF ORIGINAL APPLICATION PAPERS			
1	09/30/2002	INITIAL EXAM TEAM NN			

Search Another: Application#

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION